

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2970 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

PATEL CHIRAG BHOGILAL

Versus

OIL AND NATURAL GAS CORPN LTD

Appearance:

MR TR MISHRA for Petitioners

M/S TRIVEDI & GUPTA for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

SERVED BY RPAD - (N) for Respondent No. 3, 4

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 16/07/1999

ORAL JUDGEMENT

In this writ petition notice was issued to the respondents vide order dated 5.5.1999. All the respondents are served. M/s. Trivedi & Gupta represents the respondent No. 1. Record shows that the respondent No. 4 has filed affidavit but nobody is present on his behalf. Respondent Nos. 2 and 3 are also served but

they have neither filed any counter affidavit nor anybody is present on their behalf to represent them. Shri T.R. Mishra, learned counsel for the petitioners and M/s. Trivedi & Gupta for respondent No. 1 have been heard. Looking to the reliefs claimed in this writ petition, writ of mandamus, which is the main relief, cannot be granted. There are also alternative reliefs (B) to (D). However for granting these reliefs it is not necessary to enter into the merits of the case. As consented by the learned counsel for the petitioners and respondent No. 1. without entering into the merits of the case, this petition can be finally disposed of with the following directions:-

- (1) The petitioners should approach the Conciliation Officer in respect of their demands within a period of six weeks from today keeping in view the allegations made in the writ petition.
- (2) The Conciliation Officer shall submit necessary report within six weeks from the date of conclusion of hearing after giving an opportunity of hearing to the parties.
- (3) In case failure report is given by the Conciliation Officer, then the appropriate government shall take a decision for making reference or not within a period of four weeks from the date of receipt of failure report. Till such a decision is taken, the order maintaining status quo granted by this court on 5.5.1999 shall remain in force and also for a period of two weeks from the date of intimation of decision having been given to the petitioners making reference.
- (4) In case the appropriate government passes an order refusing to make the reference then the order of status quo passed by this court on 5.5.1999 shall remain in force for a period of two weeks from the date of communication of the said decision to the petitioners.
- (5) In case the present contract between the principal employer and the contractor comes to an end and for any reason the principal employer, namely, respondent No. 1 discontinues the existing contract, it will be open to the respondent No. 1 to award fresh contract after inserting a clause that the new contractor will continue the present workmen-petitioners during the period of status quo as mentioned above.

It is however made clear that it will be open for the contractor to take appropriate disciplinary action against the workmen in case of necessity in accordance with law. In view of these directions, the petition stands finally disposed of. No order as to costs.

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